IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 33215 of 1998

Between:

1.. P. Khaja Hussain S/o. Hayat Saheb
R/o. D.No. 7/310, Sangapeta, Nandyal,
Kurnool District
2.. P. Shabbir S/o. Hayath Saheb
R/o. D.No. 7/274, Nadigadda Street, Nandyal Town,
Kurnool District

....PETITIONERS

AND

1 The Conservator of Forests Kurnool Circle
Kurnool
2 The Divisional Forest Officer Nandyal Division
Nandyal, Kurnool District

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in proceeding to sell the seized stock and machinery of the petitioners as illegal and arbitrary and direct the Respondents to release the seized stock and machinery to the Petitioners on furnishing the Security to the value of the seized stock pending disposal of the Appeal before the 1st Respondent and pass

Counsel for the Petitioner:MR.P.GANGA RAMI REDDY

Counsel for the Respondent No.: GP FOR FORESTS

The Court made the following :

ORDER:

The present writ petition is filed questioning the action of the respondents in proceeding to sell the seized stock and machinery of the petitioner.

The facts that gave rise to filing the present writ petition, in brief are as under;

The petitioner is owner of a Saw Mill, having a valid licence upto 31-3-1999 and that the second petitioner, who is a carpenter is stated to have purchased exempted timber and prepared door frames, window frames and kept the same at the entrance of petitioner's saw mill. The second respondent seized the said door and window frames and cancelled the licence of the first petitioner vide proceedings dated 23-11-1998. Against the said order, the petitioner filed an appeal before the first respondent. Pending consideration of the said appeal, the second respondent is stated to have initiated steps to sell the seized stock and machinery, questioning the said action, the petitioner filed the present writ petition.

Learned counsel for petitioner submitted that this Court while admitting the writ petition granted interim stay by order dated 27-11-1998 and that the appeal filed by the petitioner against the order dated 23-11-1998 is still pending and no further orders were passed thereon.

Heard learned counsel for petitioner and learned Government Pleader for Forest. Both counsel agreed for disposal of the writ petition with a direction to the respondents to dispose of the appeal in accordance with law.

In the circumstances, without going into the merits of the matter, the writ petition is disposed of, directing the first respondent to consider the appeal filed by the petitioner and after affording reasonable opportunity to petitioner, dispose of the

same expeditiously, preferably within a period of two months from the date of receipt of copy of this order. No costs.

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N.V.RAMANA,J

24-2-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Conservator of Forests Kurnool Circle
Kurnool
2 The Divisional Forest Officer Nandyal Division
Nandyal, Kurnool District

3) 2 CD copies

4) 1 CC to MR.GANGA RAMI REDDY

5). 2 CCs to the Government Pleader for Forest, High Court of A.P., Hyderabad (OUT).

*Form-NIC-OGS/WP{**ESWAR**}*